IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3479 OF 2005.

Bachulal M. Gujar ..Petitioner

versus

Hariniwas J. Jaju ..Respondent.

Mr.N.M.Shah with Mr.Surel S. Shah for the petitioner.
Respondent is served.

Coram : S.R.Sathe, J.
Dated : 13th Feb., 2006

P.C.

1. Respondent absent though duly served.

2. Heard the learned Advocate for the petitioner.

3. As application filed by the petitioner, the original defendant for amending the W.S. was rejected, he has filed the present petition. From the perusal of the amendment application and the S.S. it is very clear that the defendant is not making out any new and inconsistent case. In the W.S. he has already taken the stand that the plaintiff is not the owner of the suit shop. It seems that the defendant is giving some details about his contention. As the proposed amendment is not inconsistent and is not of such a nature which would take away the right accrued in favour of

plaintiff, the same cannot be rejected. The proposed amendment would in fact be helpful to determine the real controversy between the parties. Hence the amendment is allowed.

4. The petitioner is directed to carryout the amendment within ten days from the receipt of the order by the trial court.

5. Petition is disposed of in above terms.

6. Parties to act on the authenticated copy of this order.

(S.R.Sathe, J.)